IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 9TH APRIL 2007 / 19TH CHAITHRA 1929

Bail Appl..No. 2087 of 2007()

CMP.288/2007 of J.M.F.C.-II,TRIVANDRUM
.....

(CRIME NO.625/06 OF FORT POLICE STATION)

PETITIONER/6TH ACCUSED:

MAJU, S/O.BABU, T.C.29/610,
SEEVELI NAGAR, PALKULANGARA WARD,
VANCHIYOOR VILLAGE, THIRUVANANTHAPURAM.

BY ADV. SRI.G.SUDHEER

RESPONDENT: COMPLAINANT:

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Bail Application No. 2087/2007

Dated this 9th day of April, 2007

O R D E R

The petitioner, who is the sixth accused in Crime No.625/2006 of Fort Police Station, Thiruvananthapuram for offences punishable under Sections 120B, 396, 326 and 302 IPC and Sections 3 and 5 of the Explosives Substances Act, 1908 and also under Section 27 of the Arms Act, 1959, seeks his enlargement on bail. The occurrence took place at about 11.30 p.m on 19.12.2006. The petitioner was arrested on 9.1.2007.

2. Even though the learned Public Prosecutor opposed the application, he fairly conceded that the final report has not been filed even after 90 days of the detention of the petitioner. If so, by virtue of the proviso to section 167(2) Cr.P.C., the petitioner is entitled to be released on bail as of right. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs. 10,000/- (Rupees ten thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M-II, Thiruvananthapuram and subject to the following conditions:

(a). The petitioner shall report before the Investigating Officer between 9 am. and 11 am. on all Wednesdays.

(b). The petitioner shall make himself available for interrogation as and when required by the police till the filing of the final report.

(c). The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

(d). The petitioner shall not commit any offence while on bail.

3. If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

The application is allowed as above.

V.RAMKUMAR,
JUDGE

mrcs